IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Narayan Lal Garg Vs. State of Rajasthan & Ors.

S.B.CIVIL WRIT PETITION NO.129/2007

DATE OF ORDER :: May 29, 2007

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

Mr.Mahesh Bora, for the petitioner.

BY THE COURT:

By the instant writ petition, under article 226 of the Constitution of India, the petitioner seeks to quash the order Annexure-7 dt. 15.9.2003 and Annexure-8 dt. 6.12.2003.

Heard learned counsel for the petitioner.

It is submitted by the learned counsel that petitioner's wife Smt. Kanta was ANM in Sub Health Centre, Baankala. She was murdered. The allegation of murder was against the present petitioner and the petitioner was put to trial for the offence

under section 302 I.P.C. However, he has been acquitted by the trial court. Thereafter, the petitioner moved an application for compassionate appointment under the Rajasthan Compassionate Appointment of Dependants of Deceased Government Servants Rules, 1996 (for short `the Rules' hereinafter). The petitioner has been denied the appointment vide Annexures-7 and 8 on the ground that the petitioner has filed the application belatedly i.e. after more than one year and four months and in view of the Govt. order dt. 1.6.2000, the maximum delay of one year can be condoned, whereas the delay in filing the application was much more than one year.

Learned counsel for the petitioner submits that since the petitioner was facing trial, therefore, he could not file the application within the period of limitation and therefore, as a special case, the delay may be condoned.

Rule 19 of the Rules is very clear that there is no provision of relaxing the Rules. In the circumstances, therefore, no case for compassionate appointment is made out. More so, compassionate appointment cannot be claimed as a right and more particularly in the facts and circumstances of this case, where the allegation of murdering Government servant i.e. Smt. Kanta, the wife of petitioner was against the present petitioner,

though acquitted after trial.

The writ petition is, therefore, dismissed. There shall be no order as to costs.

[H.R.PANWAR],J.

m.asif/-